

Case 1:16-cv-00617-PKC Document 92 Filed 03/06/18 Page 1 of 5

Case 1:16-cv-00617-PKC Doc #: 91 Filed 02/22/18 Page 1 of 2 Page ID #: 2795

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/6/18

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ENERGY INTELLIGENCE GROUP, INC.
AND ENERGY INTELLIGENCE GROUP
(UK) LIMITED,

Case No. 1:16-cv-00617 (PKC)(KNF)

Plaintiffs,

v.

SCOTIA CAPITAL (USA) INC.,

Defendant.

and Order

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

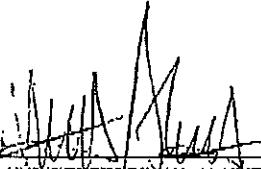
Please take notice that the parties, Energy Intelligence Group, Inc., Energy Intelligence Group (UK) Limited, and Scotia Capital (USA) Inc. (together, the "Parties"), hereby stipulate to dismissal of this action with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each Party to bear its own costs and attorneys' fees.

Respectfully submitted,

Dated: February 21, 2018

Case 1:16-cv-00617-PKC Document 92 Filed 03/06/18 Page 2 of 5

Case 1:16-cv-00617-PKC Doc #: 91 Filed 02/22/18 Page 2 of 2 Page ID #: 2796

By: 

Robert L. Powley

James M. Gibson

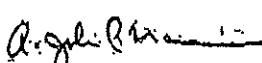
Thomas H. Curtin

Keith E. Sharkin

Matthew F. Abbott

POWLEY & GIBSON, P.C.
304 Hudson Street, Suite 305
New York, NY 10013
Telephone: (212) 226-5054
Facsimile: (212) 226-5085
rlpowley@powleygibson.com
jmgibson@powleygibson.com
thcurtin@powleygibson.com
kesharkin@powleygibson.com
mfsabbott@powleygibson.com

Attorneys for Plaintiffs
ENERGY INTELLIGENCE GROUP, INC. and
ENERGY INTELLIGENCE GROUP (UK)
LIMITED

By: 

A. John P. Mancini

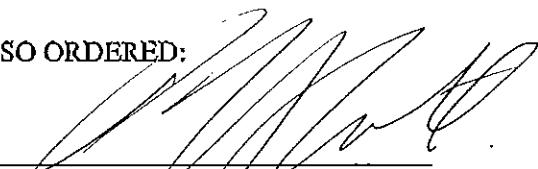
James C. duPont

Xiyin Tang

Melanie Burke

MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 506 - 2500
Facsimile: (212) 262-1910
jmancini@mayerbrown.com
jdupont@mayerbrown.com
xtang@mayerbrown.com
mburke@mayerbrown.com

Attorneys for Defendant
SCOTIA CAPITAL (USA) INC.

Dated: 3-5, 2018SO ORDERED: 

Hon. M. Kevin Castel
U.S.D.J.

MAYER • BROWN

Mayer Brown LLP
1221 Avenue of the Americas
New York, New York 10020-1001

Main Tel +1 212 608 2600
Main Fax +1 212 282 1910
www.mayerbrown.com

March 5, 2018

BY FAX

A. John P. Mancini
Direct Tel +1 212 508 2295
Direct Fax +1 212 849 5895
jmancini@mayerbrown.com

The Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Energy Intelligence Group, Inc., et al. v. Scotia Capital (USA) Inc., No. 16-CV-617 (S.D.N.Y.)*

Dear Judge Castel:

We write on behalf of Defendant Scotia Capital (USA) Inc. ("Scotia") and Plaintiffs Energy Intelligence Group, Inc. and Energy Intelligence Group (UK) Limited (collectively, "EIG," and together with Scotia, the "Parties"), in the above-referenced action (the "Action"). Pursuant to Your Honor's instruction during the telephone conference on Friday, February 23, 2018, the Parties write to inform Your Honor that they will not request that Your Honor retain jurisdiction over the Action for purposes of enforcing the terms of the confidential settlement agreement entered into by the Parties on February 16, 2018 (the "Settlement Agreement"), and that the Parties do not wish to file the Settlement Agreement, or portions thereof, on the public docket. Consequently, the Parties respectfully request that Your Honor endorse the Joint Stipulation of Dismissal with Prejudice filed by the parties on February 22, 2018 (ECF No. 91), and dismiss the Action with prejudice.

Thank you again for Your Honor's time and consideration.

Respectfully submitted,

MAYER BROWN LLP

By: A. John P. Mancini
A. John P. Mancini
James C. duPont
Xiyin Tang
Melanie Burke
1221 Avenue of the Americas

Mayer Brown LLP

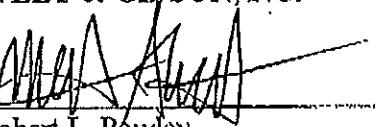
March 5, 2018

Page 2

New York, New York 10020
jmancini@mayerbrown.com
jdupont@mayerbrown.com
xlang@mayerbrown.com
mburke@mayerbrown.com
T 212.506.2295
F 212.849.5895

Attorneys for Defendant Scotia Capital (USA) Inc.

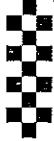
POWLEY & GIBSON, P.C.

By: 

Robert L. Powley
James M. Gibson
Thomas H. Curtin
Keith E. Sharkin
Matthew F. Abbott
304 Hudson Street, Suite 305
New York, NY 10013
rlpowley@powleygibson.com
jmgibson@powleygibson.com
thcurtin@powleygibson.com
kesharkin@powleygibson.com
mfabbott@powleygibson.com
Telephone: (212) 226-5054
Facsimile: (212) 226-5085

*Attorneys for Plaintiffs Energy Intelligence Group, Inc.
and Energy Intelligence Group (UK) Limited*

Enclosure



MAYER • BROWN

Mayer Brown LLP
1221 Avenue of the Americas
New York, New York 10020-1001

Main phone: +1 212 506 2500
Main fax: +1 212 262 1910
www.mayerbrown.com

Facsimile cover sheet

Date: March 5, 2018

Total pages: 5

A. John P. Mancini
Direct Tel +1 212 506 2285
Direct Fax +1 212 849 5895
jmancini@mayerbrown.com

To:
The Honorable
P. Kevin Castel

Company:
Southern District of
New York

Fax:
212-805-7949

Telephone:

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS BY MAIL. THANK YOU.

IF YOU HAVE ANY TRANSMISSION DIFFICULTY,
PLEASE CONTACT THE FACSIMILE DEPARTMENT AT +1 212 506 2707

Mayer Brown LLP operates in combination with other Mayer Brown entities (the "Mayer Brown Practices"), which have offices in North America, Europe and Asia and are associated with Tauli & Chequer Advogados, a Brazilian law partnership.

MESSAGE:

Please see attached.